



— State of —
North Dakota
Office of the Governor

John Hoeven
Governor

Executive Order 2008-04

WHEREAS, the National Weather Service has issued a blizzard warning and winter storm warning for western North Dakota and a flood watch for eastern North Dakota and temperatures are expected to drop into the single digits; and

WHEREAS, neighboring states and Canadian provinces are experiencing tight fuel supplies thereby creating an increase demand on North Dakota terminals; and

WHEREAS, drivers of delivery trucks are required to wait for several hours at terminals across state and region for loading, which limits their ability to transport heating oil and fuel products; and

WHEREAS, the states of Minnesota and South Dakota have declared an emergency and waived the hours of service; and

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing the emergencies, disasters, and other hardships that may face the state and its citizens.

NOW, THEREFORE, I, John Hoeven, Governor of North Dakota, by virtue of the authority vested in me by Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code § 37-17.1, do hereby declare that a state of emergency exists in North Dakota that requires relief from North Dakota Century Code § 39-32-02 pertaining to hours of service for drivers of commercial motor vehicles while transporting fuels to customers.

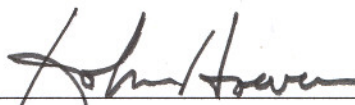
This order is issued on the foregoing bases and on the following conditions:

1. Nothing in this order shall be construed to relieve carriers operating under this order from regulations under state law pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.

2. Carriers, while under this order, shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier that she/he needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.

This order shall be effective immediately and shall remain in effect until 11:59 p.m. on November 22, 2008, or for the duration of the emergency, whichever is less.

Executed at Bismarck, North Dakota, this 5th day of November 2008.



John Hoeven
Governor

ATTEST:



Secretary of State

Deputy